

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff	:	
	:	No. CR-04-0024
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
	:	
PAUL DAVID LAWWILL, JR.,	:	
Defendant	:	
	:	

This matter is before the Court on Defendant's Motion under Rule G to Return Seized Property from the Custody of the Department of Justice to the Original Owner (doc. 552) and the United States' Memorandum in Opposition thereto (doc. 555).

In his pro se motion, Mr. Lawwill, Jr. moves the Court to order the return of certain items that were seized but, he alleges, not forfeited by him in association with his underlying criminal case. These items include, inter alia, family photographs as well as several gold coins. The Government asserts that none of the items allegedly seized was seized by the FBI; Mr. Lawwill agreed to the forfeiture to the State of the gold coins and currency he now seeks to have returned; and the items in possession of the Montgomery County Sheriff's Office have been destroyed. In addition, the Government notes that Mr. Lawwill's motion was filed at least five days out of time and argues that, even if his motion is not barred by the statute of limitations, it is barred the doctrine of laches.

The Court finds the Government's position well-taken.

Even if the Court were not to bar Mr. Lawwill's claim because it was filed beyond the statute of limitations, the Government does not have and, therefore, cannot return, the items Mr. Lawwill seeks. It appears that Mr. Lawwill was complicit in the disposition of at least some of the property he now seeks the return of. Other items were destroyed as a matter of course by the State, and the Government has no knowledge of the location or existence of still other items.

There being no basis for Mr. Lawwill's motion, the Court DENIES the motion (doc. 552).

SO ORDERED.

Dated: May 15, 2012

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge